

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 857

To establish a national commission to ensure small aircraft safety in the  
United States.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29 (legislative day, APRIL 19), 1993

Mr. PRESSLER introduced the following bill; which was read twice and referred  
to the Committee on Commerce, Science, and Transportation

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## A BILL

To establish a national commission to ensure small aircraft  
safety in the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Commission  
5       To Ensure Small Aircraft Safety Act of 1993”.

6       **SEC. 2. FINDINGS.**

7       Congress finds and declares the following:

8               (1) Small aircraft safety is a serious national  
9       concern.

1           (2) The Federal Government's resources must  
2       be utilized to ensure the safety of small aircraft  
3       travel.

4           (3) On at least three separate occasions, the  
5       National Transportation Safety Board contacted the  
6       Federal Aviation Administration regarding the  
7       Hartzell HC-B4 propeller assembly featured on  
8       Mitsubishi MU-2 aircraft.

9           (4) The National Transportation Safety Board  
10      urged the Federal Aviation Administration to con-  
11      duct full fleet inspections of Hartzell propeller as-  
12      semblies as a result of an accident near Utica, New  
13      York.

14          (5) The Federal Aviation Administration con-  
15      cluded that a special investigation was not war-  
16      ranted.

17          (6) The National Transportation Safety Board  
18      found the Federal Aviation Administration's re-  
19      sponses unacceptable.

20          (7) The National Transportation Safety Board  
21      has no other authority to pursue its recommenda-  
22      tions other than to report to the Federal Aviation  
23      Administration.

24          (8) Small aircraft safety investigatory practices  
25      and procedures should be examined.

1           (9) Federal Government resources are not uti-  
2           lized effectively when there is no mechanism or pro-  
3           cedure to resolve disagreements among Federal  
4           agencies over questions of small aircraft safety.

5           (10) Procedures are necessary to resolve Fed-  
6           eral agency disagreements over aircraft safety.

7           (11) Alleviating Government gridlock among  
8           Federal entities responsible for the safety of our Na-  
9           tion's pilots and passengers should be a top priority.

10 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

11           (a) ESTABLISHMENT.—There is established a com-  
12           mission to be known as the National Commission To En-  
13           sure Small Aircraft Safety (hereafter in this Act referred  
14           to as the “Commission”).

15           (b) MEMBERSHIP.—

16           (1) COMPOSITION.—The Commission shall be  
17           composed of 11 members of whom—

18                   (A) 1 shall be appointed by the President,  
19                   subject to paragraph (2);

20                   (B) 5 shall be appointed by the President  
21                   pro tempore of the Senate, 3 upon the rec-  
22                   ommendation of the majority leader of the Sen-  
23                   ate, and 2 upon the recommendation of the mi-  
24                   nority leader of the Senate, from among the  
25                   Members of the Senate; and

1 (C) 3 shall be appointed by the Speaker of  
2 the House of Representatives from among the  
3 Members of such House, and 2 shall be ap-  
4 pointed by the minority leader of the House of  
5 Representatives from among the Members of  
6 such House.

7 (2) PROHIBITION.—The member of the Com-  
8 mission appointed under paragraph (1)(A) may not  
9 be an employee or former employee of the Federal  
10 Government.

11 (3) DATE.—The appointments of the members  
12 of the Commission shall be made no later than 30  
13 days following the date of the enactment of this Act.

14 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
15 bers shall be appointed for the life of the Commission. Any  
16 vacancy in the Commission shall not affect its powers, but  
17 shall be filled in the same manner as the original appoint-  
18 ment.

19 (d) INITIAL MEETING.—No later than 30 days after  
20 the date on which all members of the Commission have  
21 been appointed, the Commission shall hold its first meet-  
22 ing.

23 (e) MEETINGS.—Except for its initial meeting, the  
24 Commission shall meet at the call of the Chairman.

1 (f) QUORUM.—A majority of the members of the  
2 Commission shall constitute a quorum, but a lesser num-  
3 ber of members may hold hearings.

4 (g) IN GENERAL.—Members appointed shall be ap-  
5 pointed from among individuals who are experts in general  
6 aviation policy (including representatives of Federal, State  
7 and local governments and other public authorities respon-  
8 sible for general aviation and small aircraft safety), small  
9 aircraft safety, and organizations representing general  
10 aviation, small aircraft pilots, passengers, shippers, and  
11 small aircraft designers and manufacturers.

12 (h) CHAIRMAN AND VICE CHAIRMAN.—The Commis-  
13 sion shall select a Chairman and Vice Chairman from  
14 among its members.

15 **SEC. 4. DUTIES OF THE COMMISSION.**

16 (a) STUDY.—The Commission shall conduct a thor-  
17 ough study and investigation of all matters relating to cur-  
18 rent investigatory procedures and practices of the Na-  
19 tional Transportation Safety Board and the Federal Avia-  
20 tion Administration with respect to small aircraft safety;  
21 the adequacy of these practices and procedures, the co-  
22 ordination of National Transportation Safety Board and  
23 Federal Aviation Administration investigations and en-  
24 forcement of recommendations; the enforcement of Fed-  
25 eral Aviation Administration small aircraft safety regula-

1 tions; and the impediments to full utilization of National  
2 Transportation Safety Board and Federal Aviation Ad-  
3 ministration investigatory resources and enforcement.

4 (b) RECOMMENDATIONS.—The Commission shall de-  
5 velop recommendations on those policies which need to be  
6 adopted to—

7 (1) achieve a national goal of safety in small  
8 aircraft and the general aviation industry;

9 (2) resolve disagreements among Federal inves-  
10 tigatory and regulatory agencies responsible for  
11 small aircraft safety;

12 (3) develop coordination among Federal agen-  
13 cies responsible for investigating small aircraft safe-  
14 ty; and

15 (4) ensure full and effective enforcement of  
16 small aircraft safety regulations.

17 (c) REPORT.—No later than 6 months after the date  
18 of the enactment of this Act, the Commission shall submit  
19 a report to the President and the Congress which shall  
20 contain a detailed statement of the findings and conclu-  
21 sions of the Commission, together with its recommenda-  
22 tions for such legislation and administrative actions as it  
23 considers appropriate.

1 **SEC. 5. POWERS OF THE COMMISSION.**

2 (a) HEARINGS.—The Commission may hold such  
3 hearings, sit and act at such times and places, take such  
4 testimony, and receive such evidence as the Commission  
5 considers advisable to carry out the purposes of this Act.

6 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
7 Commission may secure directly from any Federal depart-  
8 ment or agency such information as the Commission con-  
9 siderers necessary to carry out the provisions of this Act.  
10 Upon request of the Chairman of the Commission, the  
11 head of such department or agency shall furnish such in-  
12 formation to the Commission.

13 (c) POSTAL SERVICES.—The Commission may use  
14 the United States mails in the same manner and under  
15 the same conditions as other departments and agencies of  
16 the Federal Government.

17 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

18 (a) COMPENSATION OF MEMBERS.—Each member of  
19 the Commission who is not an officer or employee of the  
20 Federal Government shall be compensated at a rate equal  
21 to the daily equivalent of the annual rate of basic pay pre-  
22 scribed for level IV of the Executive Schedule under sec-  
23 tion 5315 of title 5, United States Code, for each day (in-  
24 cluding travel time) during which such member is engaged  
25 in the performance of the duties of the Commission. All  
26 members of the Commission who are officers or employees

1 of the United States shall serve without compensation in  
2 addition to that received for their services as officers or  
3 employees of the United States.

4 (b) TRAVEL EXPENSES.—The members of the Com-  
5 mission shall be allowed travel expenses, including per  
6 diem in lieu of subsistence, at rates authorized for employ-  
7 ees of agencies under subchapter I of chapter 57 of title  
8 5, United States Code, while away from their homes or  
9 regular places of business in the performance of services  
10 for the Commission.

11 (c) STAFF.—

12 (1) IN GENERAL.—The Chairman of the Com-  
13 mission may, without regard to the civil service laws  
14 and regulations, appoint and terminate an executive  
15 director and such other additional personnel as may  
16 be necessary to enable the Commission to perform  
17 its duties. The employment of an executive director  
18 shall be subject to confirmation by the Commission.

19 (2) COMPENSATION.—The Chairman of the  
20 Commission may fix the compensation of the execu-  
21 tive director and other personnel without regard to  
22 the provisions of chapter 51 and subchapter III of  
23 chapter 53 of title 5, United States Code, relating  
24 to classification of positions and General Schedule  
25 pay rates, except that the rate of pay for the execu-



1        tive director and other personnel may not exceed the  
2        rate payable for level V of the Executive Schedule  
3        under section 5316 of such title.

4        (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
5        Federal Government employee may be detailed to the  
6        Commission without reimbursement, and such detail shall  
7        be without interruption or loss of civil service status or  
8        privilege.

9        (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
10       TENT SERVICES.—The Chairman of the Commission may  
11       procure temporary and intermittent services under section  
12       3109(b) of title 5, United States Code, at rates for individ-  
13       uals which do not exceed the daily equivalent of the annual  
14       rate of basic pay prescribed for level V of the Executive  
15       Schedule under section 5316 of such title.

16       **SEC. 7. TERMINATION OF THE COMMISSION.**

17       The Commission shall terminate 180 days after the  
18       date on which the Commission submits its report under  
19       section 4. All records and papers of the Commission shall  
20       be deposited by the Administrator of General Services in  
21       the National Archives.

22       **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23       (a) IN GENERAL.—There are authorized to be appro-  
24       priated \$\_\_\_\_\_ for fiscal year 1994 to the Com-  
25       mission to carry out the purposes of this Act.

1       (b) AVAILABILITY.—Any sums appropriated under  
2 the authorization contained in this section shall remain  
3 available, without fiscal year limitation, until expended.

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